IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (LDG) NO.3068 OF 2005

Prakash Jain .. ..Petitioner

Versus

The Municipal Corporation of

Greater Mumbai and Ors. .. ..Respondents

Mr.P.J. Thorat for petitioner

Mrs. A.R.Joshi for respondents

CORAM : P.V.KAKADE, J.

DATE : 21st DECEMBER, 2005

MENTIONED NOT ON BOARD

P.C.:

. Heard the learned counsel for both the parties. The learned counsel for the respondents waive service. Perused the record.

. Rule, rule made returnable forthwith by consent.

1. The Petitioner will be permitted to file proposal for regularisation within a period of 16 weeks from today towards regularisation of the mezzanine floor in Unit No.35-J, Laxmi Industrial Estate, Andheri (West), Mumbai 400 058, pursuant to the Order bearing No.KW/351/1529/BF, dated 9.12.2005 passed by the Respondent No.1.

2. The respondent No.4 shall accept the proposal for regularisation submitted by the petitioner.

3. The respondent no.4 shall consider the regularisation proposal submitted by the petitioner towards the regularisation of the mezzanine floor by giving opportunity to the Petitioner to produce all relevant documents which are necessary for such regularisation.

4. In the event the proposal is not accepted by Respondent no.4, the respondent shall not take any action of demolition and/or removal of the mezzanine floor in respect of the aforesaid unit for a further period of six weeks from the date of communication of rejection of regularisation proposal in order to enable

the petitioner to take appropriate remedy in accordance with law.

5. That the respondents shall not take any action of demolition and/or removal of any part of the mezzanine floor in respect of the aforesaid unit till the respondent no.4 and/or any other concerned authority does not complete the procedure for regularisation as mentioned in Clause Nos.1 to 4 hereinabove.

6. It is clarified that this order should not be construed as permission to make reconstruction.

7. Writ Petition is disposed of accordingly.

8. No order as to costs.